

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

February 18, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON WEDNESDAY, FEBRUARY 18, 2015, BEGINNING AT 1:33 P.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This Council meeting of February 18, shall come to order.

And Mr. Clerk, would you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, S. STACY CRIVELLO, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS DONALD G. COUCH JR. AND G. RIKI HOKAMA.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are seven Members present and two Members excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you very much. And afternoon, I almost said this morning.

This afternoon, with the opening remarks, is Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

OPENING REMARKS

The opening remarks were offered by Councilmember Robert Carroll.

CHAIR WHITE: Thank you very much, Mr. Carroll. I think we all join you in, in feeling very sad today that Mele has passed. We all knew that she was a great fighter for the folks in her district and for all of the County of Maui. So, and thank you for your request for a moment of silence and, and we will take a moment of silence, Members.

MOMENT OF SILENCE

MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE,
OBSERVED A MOMENT OF SILENCE IN MEMORY OF THE
LATE STATE REPRESENTATIVE MELE CARROLL.

CHAIR WHITE: Thank you, Members.

And if you would please all rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And before we proceed, I'd like to ask everyone in the chambers to please turn off your cellphones or put them on vibrate.

And, with that, Mr. Clerk, may we proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby, just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good afternoon. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have 13 individuals who have signed up to testify in the Council chamber.

The first person to testify in the chamber is Sarah Bryan testifying on Committee Report 15-12. She will be followed by Puanani Lindsey.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. SARAH BRYAN (testifying on Committee Report No. 15-12):

Aloha. Thank you so much. You all use to know me as Sarah McLean, I got married this year so my new name is Sarah Bryan in case you see that in future things. I'm here today to offer up my support for the resolution recognizing the importance of protecting and enhancing the reef ecosystems in Maui County. You all know my background with this and I'm so excited that this is finally here. And I just wanted to say I sincerely appreciate the diligence of everyone who worked on this over the last several years because it's gone through multiple iterations and I'm very thankful that it's finally making it here to, to be proposed.

I, I submitted some testimony for the committee, I wasn't able to come that day, but I'm actually also here on behalf of my husband, Timothy Bryan who is a sailboat captain. He's worked on the island for gosh, probably 14 years now and he actually wanted to offer his support for this resolution as well. For him it was actually a matter of economics and I just wanted, I'm going to give you guys a copy of his testimony later, it's a really nice letter, they're going to make copies for me.

But I wanted to point out one specific point that he made. He works on a boat called Alii Nui, and they've been sailing around Maui for the last 20 years. His boat employs seven to eight crew per day on the first trip that they make during the day. And when they add up the hours of all of those crew for just that one shift, it equals over eleven fulltime jobs for just that one shift over the year.

So, considering that they've been in business for 20 years, that's eleven fulltime jobs for that one shift that they've been doing for 20 years. They actually do two other shifts during the day as well, so just this one boat, you know, who, is totally reliant on having beautiful reef ecosystems. And just the long-term jobs that that creates.

You know, we talk about jobs and construction jobs and other kinds of people that we bring in, but a lot of those are short-term. And, this is one instance where it is long-term and continuing. A livable wage and just one of the tons of reasons why we should be protecting our reefs.

You guys have heard from me a lot about why this is important, but I just wanted to highlight that in his letter, and again you'll be getting a copy of that. And just wanted to say thank you for doing this.

CHAIR WHITE: Thank you very much, Ms. Bryan. Members, any need for clarification of the testimony. Seeing none, thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Puanani Lindsey, testifying on Committee Report 15-12. She will be followed by Artemio Baxa.

MS. PUANANI LINDSEY (testifying on Committee Report No. 15-12):

Good afternoon, Chair and Councilmembers. I'm here this afternoon to represent my son Ekolu Lindsey, who is unable to be with us because he's on Oahu trying to educate the Legislators on this problem of the reef.

So, he is also the head of Polanui Hiu, which is an organization that was formed five and a half years ago. And using our backyard as a place where they met and still meet every month, the first Saturday of every month. So, they have been serving the ocean, checking the coral reefs, the different kinds of fishes that are in there because you know, this is the backyard and has been in our family for generations. So I also come here representing the Lindsey family who live right off the ocean there between Lahaina Shores and Puamana.

He asked me to show his support in this resolution that you have for the reef. And I hope that one day soon we can go even stronger than a resolution. Because we need to protect our ocean and reefs because they are dying due to global warming. And whatever we can do to save these oceans and save the fishes and coral that grows around our, our island, and I suppose I am concerned of all of our islands but more so the island we live on is Maui.

So whatever we can do to protect our oceans and make sure those coral reefs stay alive with all the fishes that go in there and using that for our own subsistence living. It's wonderful. So I thank you for hearing me and thank you for this resolution in support of Ekolu.

CHAIR WHITE: Thank you very much, Ms. Lindsey. Thank you for coming today. Members, any need for clarification. Seeing none, thank you again.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Artemio Baxa, testifying on Committee Report 15-14. He will be followed by Thorne Abbott.

MR. ARTEMIO C. BAXA (testifying on Committee Report No. 15-14):

Honorable Chair, Honorable Members of the Council. My name is Artemio C. Baxa. I am a Deputy Prosecutor. I came here to testify for the confirmation of Mr. J.D. Kim as Prosecutor for the County of Maui.

Nobody has asked me to testify. I came here in my individual capacity. Mr. Chair and Honorable Members of the Council, it has been said that the greatest distinction that any person can have is to choose to do what is right. Indeed Abraham Lincoln had prove that the true mark of leadership is always to do what is right under all circumstances.

I have been with the Prosecutor's Office for more than 25 years. Long before Mr. Kim became County Prosecutor. I had known him many, many years. In all the years that I had been at the Prosecutor's Office, I have observed Mr. Kim both as an individual and as a man of public service to possess the highest individual integrity, morally and intellectually.

He is a very low-key person, honest, bright, fair, and always candid. I know that whatever may have been the circumstances in terms of making a judgment of cases or people, he always tried to do the best he can, under the best of his judgment, not beholden to any man, but beholden only to the sanctity of his office. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Baxa.

Members, any need for clarification of the testimony.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Thank you, Judge for, former Judge Baxa.

MR. BAXA: Thank you, sir.

VICE-CHAIR GUZMAN: Thank you for your testimony. I know that you've, you've always served as an example of integrity and, and what is right. And I like what you said in terms of choose what is right. But I also know that integrity and the highest most candidacy, to be candid is important in, in coming forward and, in the process of being nominated.

I know you, you are familiar with that because you went through the nomination hearings of becoming a Judge. And so my question to you is when you were, when you were in that stage, were you forthright to the committee, the Senate Committee in disclosing any reprimands, or any outstanding issues that you had had in your previous employment.

MR. BAXA: Sir, whatever question was asked of me, I tried to be forthright all the way.

VICE-CHAIR GUZMAN: Would you disclose it without the question being posed to you.

MR. BAXA: The question is would I disclose. Could you please repeat the question.

VICE-CHAIR GUZMAN: Would you disclose any reprimand or any incident that was placed in your employ, employment file to the Senate Committee.

MR. BAXA: Yes.

VICE-CHAIR GUZMAN: Were you aware that Mr. Kim was reprimanded when he was a Deputy Prosecutor and was demoted. This was during the time of confirmation of his first, first time in 2000, I believe 11. And he did not disclose that to the Committee. Were you aware of that?

MR. BAXA: I am not aware of that.

VICE-CHAIR GUZMAN: Thank you, Judge. I would refer you to Case No., Civil No. 10-00321 and that's in the Circuit Court.

MR. BAXA: But was he asked specifically the question to disclose something?

VICE-CHAIR GUZMAN: I have no further questions. Thank you, Chair.

CHAIR WHITE: Any other questions for the testifier? Seeing none, thank you very much, Mr. Baxa.

Mr. Clerk.

MR. BAXA: Thank you, Mr. Chair. Again, I would like to repeat that I have the highest respect for the integrity of Mr. Kim. Thank you.

CHAIR WHITE: Thank you. Thanks for coming today.

DEPUTY COUNTY CLERK: The next person to testify is Thorne Abbott, testifying on Committee Report 15-12. He will be followed by Robin Knox.

MR. THORNE ABBOTT (testifying on Committee Report No. 15-12):

Aloha, Honorable Council and Chair White. Thank you very much for letting me speak. I'm in support of this measure and I'm a coastal planner in private practice.

And back in the seventies when sugarcane and pineapple was starting to go down economically, the County hired a consultant to say what should we do for our economic future. And that consultant recommended you should market your beaches. So, we've done a very good job as a County of marketing, marketing our beaches on the Westside and on the South shore. And we have millions of tourists that come to see pristine beaches and beautiful clean water.

And I had friends come from California, they live up in the mountains and they brought sons, they were about eight, nine years old, and I took them snorkeling out in Kapalua Bay. And when we got out of the bay, my best friend's son started to cry. He was so profoundly moved to see all these fish. He said who dumped all the fish out of the aquarium because he had never seen that many fish in his life before. So that was a real aha moment, a real priceless moment.

And so I'd really encourage the Council to support protecting coral reefs with prudent management so that we have a lot more of those aha moments, those priceless moments. Not only for our visitors, but for our children and for generations to come. Mahalo nui loa.

CHAIR WHITE: Thank you, Mr. Abbott. Members, any need for clarification? Seeing none, appreciate your coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Robin Knox, testifying on Committee Report 15-12. She will be followed by Robin Newbold.

MS. ROBIN KNOX (testifying on Committee Report No. 15-12):

Aloha, Chair, Members, thank you for having us to testify today. You may know that I'm an environmental scientist, but you may not know that I'm part of the Maui Coral Recovery Team and one of the early members of the Maui Nui Marine Resource

Council. I was also on the U.H. Research Team, I was the coordinator for the Southwest Maui Watershed Plan, worked on the Mayor's Wastewater Group, and the Whale Sanctuary Water Quality Working Group. I tell you this so that you understand the specific background on Maui that I have with the coral and the water quality issues.

I support this resolution before you today and urge you to adopt it, but with reservations. And my reservation is that I'm concerned that we will become complacent. We'll all feel good about this, this is a good thing. And, it is not as Puanani said earlier, it is not enough just to resolve to do this, it's the first step, it's having the public will.

But it's not even enough to adopt this plan and to make those necessary interconnections to our other plans and decisions because this plan in itself was soft on pollution control. There has been so much censoring of talking about the water quality problems, the lack of wastewater treatment, the lack of storm water pollution control, and all of these things are hurting our reefs.

We can protect pristine places like Olowalu, but I think that we need environmental justice in the form of clean water for all of Maui's residents, all of our watersheds and if you really want to protect the coral, you've got to comply with the Clean Water Act. We, we have to stop avoiding pollution control. I'm a big believer in moving forward at this point in time with what we have in hand at this point in time, which is this resolution. So I do urge you to adopt it.

My prayer is that it will create the political will to look realistically at Maui's pollution control problems. I suggest you start by educating yourselves about the Clean Water Act and getting the County into full compliance with that act. The County is the most important stakeholder we have in this effort and it will take all of us. But if the County's not leading us, if we're having to drag the County along with us, it's difficult. And if we can't talk about things openly, it's difficult as well.

So again, please do adopt this and let's make sure that this brings benefit to us all. Thank you.

CHAIR WHITE: Thank you very much, Ms. Knox. Members, any clarification required from the testifier? Seeing none, thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Robin Newbold, testifying on Committee Report 15-12. She will be followed by Rosemary Robbins.

MS. ROBIN NEWBOLD (testifying on Committee Report No. 15-12):

Aloha kakou. My name is Robin Newbold, I'm Chair of the Maui Nui Marine Resource Council. I'm testifying on behalf of myself and on behalf of the Maui Nui Marine Resource Council in favor of the resolution on the coral reefs.

Mahalo, Chair White and Councilmembers for considering the resolution and recognizing the importance of protecting and enhancing the reef ecosystems of Maui County. We really appreciate your interest in this issue and your time.

I also want to thank Chair, Councilmember Cochran for inviting us to present and discuss the importance of the reefs two weeks ago to the Infrastructure and Environmental Management Committee. And for the unanimous support of all of you who were there on this resolution. So thank you for that.

After the meeting, I was struck by the historic nature of your vote and it's, it's possible that Maui County will be the first to finally recognize the importance of healthy coral reefs. If you think about it, that's pretty amazing since our, our lifeblood depends upon, our future depends upon having healthy coral reefs. So I congratulate you for that. I didn't do the research on it but I have a feeling that might be the case.

Many of, as many of you know, I'm sure many of Maui's reefs are already dead. Like the reefs in Maalaea. Others are dying. The ones off Molokai are in severe danger from sedimentation from land.

And so I think that you making this, passing this resolution is incredibly important and I appreciate you, your consideration of it. I also want to let you know that the Maui Nui Marine Resource Council is dedicated to supporting your efforts, all of the efforts on behalf of the County to protect the reefs and to implement the Maui Coral Reef Recovery Plan. I will continue to work with planners and developers to do what we can to work out ways to reduce land based sources of pollution. So thank you for your support.

CHAIR WHITE: Thank you, Ms. Newbold. Members, any need for clarification? Seeing none, thank you for coming today.

MS. NEWBOLD: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on Committee Report 15-13 and County Communication 15-67. She will be followed by Ann Cua.

MS. ROSEMARY ROBBINS (testifying on Committee Report No. 15-13 and County Communication No. 15-67):

Good afternoon, everybody. 15-13 about a Policy and Intergovernmental Affairs that ties the water situation here with the Board of Water Supply in Honolulu. That's been going on in terms of the billing since 1977. Testimony has been given here before and this one that we're reading today is a revision. I want to thank the people who picked up the pieces and have been working on the revision and I'm encouraging you to make sure that you continue to do that. Please don't let that pass on the first reading for today.

That's been a rocky situation and now this particular issue is saying that we should enter into a nine-year contract with the same folks in Honolulu beginning retroactively. That's a long time, and starting with a, a non-date, already happened, as for this time, so I, again appreciate the work that you have done, Water Resources.

The Director had no particular, I read the materials attached to this, had no particular plan identified to be able to reduce that nine year commitment to within the next three years. There was nothing in the materials that gave anything except that he thought it would probably happen. A lot of work needs to be done in there and I couldn't find anything that was a plan of work with the dates and cost that would be attached to that. Please keep up the good work. Don't let it pass on the first reading at this stage. Thank you.

The second thing I wanted to react to today was, on our agenda on page 17 *[sic]*, item 15-67 and it's the Director of Housing and Human Services *[sic]* transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION".

This has, with a real focus up in my neck of the woods at Kulamalu, behind the Longs in Pukalani. I picked up the materials yesterday to go over it, it's a 56 page document that I tried to digest overnight, when I came back from a meeting in Kihei and certainly it's a whole lot more extensive than what I'm going to be able to bring up but, just hurray, hurray, that this is going to be happening. This has to do with

folks who are limited in income and the fact that they need a roof over their head, they need it in a healthy place and that there's going to be an opportunity coming from Fed money to State money to County money.

So, I have to kind of hold my tongue when I hear people criticize the mainland this and the mainland that and I'm sure there's room for improvement along that, but it's also money from 49 other states that are creating part of the financial kitty from this, so for that we need to be grateful.

The, this is a partnership program and it has to be affirmed by the Council because the Mayor is not allowed, wisely by law and I'm sure he agrees with this too, that he can't just do this without the recognition and the input from here. So, that's the goal as to what we're after.

This material that I read is available one more time, I'm encouraging people to get to the seventh floor and read these on your own. Maybe not all in one fowl swoop.

But this one I'd just like to read the description. This is on page 24 of that 65. "The County of Maui will develop 56 rental housing units in the Kulamalu Affordable Renting project in Pukalani." So that's the place, that's the number. There are guidelines in here as to how much money people can be making and still qualify to get into that. This looks like a pretty thoroughly examined situation and I'm really appreciative of this. We've waited for a long time. We also need to acknowledge that there's got to be healthy water in quantity for all this to happen. So that's one more thing that the Water Director is going to have on his list. So thank you.

CHAIR WHITE: Thank you very much, Ms. Robbins. Members, any need for clarification? Seeing none, thank you very much for coming today.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Ann Cua, testifying on General Communication 15-2. She will be followed by Kerry Wasano.

MS. ANN CUA (testifying on General Communication No. 15-2):

Good afternoon, Mr. Chair and Members of the Council. My name is Ann Cua and I'm the Band Booster President for the Maui High School Band. And we just wanted

to come before you on behalf of the Band Boosters to just thank you very, very much for your support of our band and our program as we ventured off to the Rose Parade.

You know the theme this year for the Rose Parade was "Inspiring Stories". And it was very interesting when the Band Director and I attended the, the President's Breakfast up in Pasadena, he commented, he took the time to comment on every performing band that, that was in attendance at the breakfast and that was performing in the parade.

And when he commented about our band, he focused on the amount of support, especially political support that our band had received from the, from the County and from the State. And he talked about his attendance at the Gala and how he met so many of you and how he was just so amazed at, at how, how you all came out to support the band. And that was just really interesting that, you know, that's what he shared to everyone else.

Our, our venture to the Rose Parade, we had, we had our own little inspiring story. You know, it, we had prepared long and hard for this. What we hadn't prepared for was weather.

And, you know, before we left Maui, when we packed, when the students packed everything up, we had this torrential rains, if you remember. And, so, as we boarded the plane to leave, and our, our boxes, our uniforms had left days before, we found that when they arrived, the containers had leaked so our boxes were soaking wet. Therefore, our uniforms had basically been sitting there for like five days.

So thus our first problem. We have, you know, 130 plus uniforms that we can't perform in, they smell. We were able to work with the hotel and got their cleaners to clean all the uniforms. We had to pay, of course, but they were all ready to go we thought, okay great.

We're ready for our first performance, which is the Band Fest. Band Fest day comes, weather is not good, it is raining. We had, we could make the decision, we were able to decide whether we wanted to go or continue performing or not. The Band Director said the show must go on. We performed, got soaking wet, kids were soaking wet, completed the performance, they were awesome. Some of them that night had to venture off to the President's Dinner and perform there. Got to the dinner had fans to kind of dry off their clothes, did their performance and came back.

That night we were there in, in Laundromats, doing laundry till 2:30 in the morning, ironing to get the kids ready to be in the Disneyland Parade 11:00 the next morning. Nobody would ever know.

Got to the Rose Parade, beautiful day except it was 32 degrees, oh my goodness. What an experience, but you know, I share this with you because I just feel like you were a part of this journey with us. And we are just so appreciative to every one of you for supporting us from day one and just wanted to come here and publicly thank you. So thank you very much.

CHAIR WHITE: Thank you, Ms. Cua. Members, any need for clarification? Thank you again for sharing your wonderful story. We can all relate to the cold.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Kerry Wasano, testifying on General Communication 15-2. He will be followed by Naomi Tabangcura.

(Councilmember Baisa was excused from the meeting at 2:08 p.m.)

MR. KERRY WASANO (testifying on General Communication No. 15-2):

Good afternoon, Council Chair, Councilmembers. Thank you again on behalf of the Maui High School Band for your support, as Mrs. Cua said, since day one. It is quite unbelievable how the whole community, the whole island of Maui came together to support a small band from the middle of Maui venturing off into what is pretty much the biggest parade in the world.

The students worked tirelessly. They really put everything on the line for the performance and leading into just days before the trip, they were absolutely beat, tired, but they had sole purpose in mind to make Maui proud.

And so on behalf of the students, staff members, and teachers of Maui High School, I'd like to say thank you very much for your support and mahalo.

CHAIR WHITE: Thank you, Mr. Wasano. Members, any need for clarification? Seeing none, thanks for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Naomi Tabangcura, testifying on General Communication 15-2. She will be followed by Melissa Agtunong.

MS. NAOMI TABANGCURA (testifying on General Communication No. 15-2):

Hello, I'm Naomi Tabangcura and I'm the Drum Major for the Maui High School Marching Band and Color Guard. I'm here to thank you Chair and Councilmembers for supporting us in bringing the band to Pasadena, California.

When I was a Freshman in high school I went to my first marching band competition on Oahu. For months, we pushed ourselves past our limits at rehearsals and on the weekends. I still carry these memories with me today as a Junior. Being in the Maui High School Marching Band and Color Guard has transformed me as an individual, especially when I took on the Drum Major position.

Marching in the 126th Rose Bowl Parade has been one of my greatest accomplishments in life. Being a Drum Major made me realize how much responsibility I had on my shoulders, such as working under pressure. But the experience was worthwhile. Till this day, I can still remember marching in the Rose Bowl Parade, hearing the crowd's screams, and seeing them wave their hands in the air. Even though it was 32 degrees, the cold didn't matter. As a band, we didn't give up.

Our alumni's, band directors, band boosters, families, communities, the island of Maui, the State of Hawaii and you guys made this possible for us. You've opened up many doors for this band program and I am thankful for all the support you've given us that brought us to Pasadena, California. As a band we sacrificed our time and money for almost a year. You've definitely made our dreams come true.

Being a part of the process of bringing our band to Pasadena was the hardest task I ever took on. I can still hear the parade and field show music that we constantly played during rehearsals. I can still feel my muscles cringe from all the conditioning we had to do in order to march in this approximately six-mile parade.

With all these hardships came success. This band on the small island of Maui got the opportunity to showcase what we've been doing for many years. It was a great exposure for our band program and yet this wouldn't have happened without your support and faith in us.

We also had the luxury of going to Disneyland after the stressful season. As I walked through Disneyland it finally hit me, our wonderful season had sadly come to an end. It was time for us to leave the city lights, head home, and carry all these memories with us for the rest of our lives. Disneyland is a place where all dreams come true.

But because of your support you've made our dream come true, being able to march in the prestigious 126th Rose Bowl Parade in Pasadena, California. Thank you.

CHAIR WHITE: Thank you very much, Ms. Tabangcura. Members, any need for clarification? Thank you for sharing your story.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Melissa Agtunong, testifying on General Communication 15-2. She will be followed by Larry Stevens.

MS. MELISSA AGTUNONG (testifying on General Communication No. 15-2):

Good afternoon, Council Chair, Councilmembers. My name is Melissa Agtunong and I am President of the Maui High School Marching Band and Color Guard. I would like to say a big thank you from all of our members for supporting us in our journey to Pasadena.

We all had a great time up there and very much enjoyed our performance. All the months of preparation has brought along many life lessons. I've learned to be more responsible, had to be confident in myself, and to be a better person helping those around me. I've learned many things and it will impossible to name them all.

But that's just a glimpse of what I've gone through and there are 135 more stories because of this great opportunity we've been given. These kids on a, from a band on the small island in the middle of the Pacific Ocean got to be part of something huge. We got to represent our beautiful island of Maui at the Rose Parade.

So, thank you again for this great opportunity you've been given and thank you for supporting us in all that we've done.

CHAIR WHITE: Thank you very much, Melissa. Members, any questions or?

Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Larry Stevens, testifying on Committee Report 15-12. He will be followed by Amy Hodges.

MR. LARRY STEVENS (testifying on Committee Report No. 15-12):

Good afternoon, Council. Good afternoon, Chair. Speaking in, on, in support of the resolution for recognizing the importance of coral reef ecosystems. You've heard some great testimony this afternoon, I won't repeat it, but I did want to talk about one more way in which coral reefs are important to us. They provide tremendous protections for our shorelines. And as, as we have seen our reefs decline in so many places around Maui, you can notice that the shorelines are also feeling the effects of those changes.

(Councilmember Crivello was excused from the meeting at 2:14 p.m.)

MR. STEVENS: We're seeing increased erosion, increased shrinkage of our beaches which is going to cause tremendous economic costs as time goes by. If we don't have beaches, we don't have tourist, and we're going to have to repair those beaches if we continue to let them decline. So again, I encourage you to support the resolution and thank you very much for considering us today.

CHAIR WHITE: Thank you, Mr. Stevens. Members, any need for clarification? Seeing none, thank you for coming today.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Amy Hodges, testifying on Committee Report 15-12. She is the last individual who has signed up to testify in the Council chamber.

MS. AMY HODGES (testifying on Committee Report No. 15-12):

Hi, thank you. My name is Amy Hodges, I live in Waiehu and I work for the Maui Nui Marine Resource Council. I just wanted to thank everyone today for all the hard work that's gone into this reef resolution, which I support. You know, something that's come from the community over many years, many iterations of it and here we are today working with the County.

And as Auntie Pua said earlier, some of our partners are actually at the House of Reps today speaking to them on very similar topics. So I just think, it's such a wonderful thing that we can all surround this resolution and really support our reef ecosystem, so I urge your support of this resolution and thank you for all of your efforts.

(Councilmember Baisa returned to the meeting at 2:15 p.m.)

CHAIR WHITE: Thank you very much, Ms. Hodges. Members, any need for clarification?
Seeing none, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on the Lanai Office.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk. Have we received written testimony.

DEPUTY COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Okay, Members, if there's no objections we'll, we'll submit the testimony received for the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Sylvia Cabral;
2. Lauren Blickley, Pacific Whale Foundation;
3. Tova Callender;
4. John Gorman, Maui Ocean Center;
5. Tom and Chris Brayton;
6. Patricia Hoskin;
7. Dana Reed;
8. Linda Castro;
9. Tegan Hammond; and
10. Ananda Stone.

CHAIR WHITE: Thank you very much. And without objection we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's organizational meeting of January 2, 2015, and regular meeting of January 16, 2015, were presented at this time.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN:

CHAIR, I MOVE TO ADOPT AND APPROVE THE ORGANIZATIONAL MEETING OF JANUARY 2, 2015 AND THE MINUTES FOR THE REGULAR MEETING OF JANUARY 16, 2015.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been moved by Vice-Chair Guzman and seconded by Member Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further.

CHAIR WHITE: Pardon. Any discussion?

(Councilmember Crivello returned to the meeting at 2:17 p.m.)

VICE-CHAIR GUZMAN: Nothing further, Chair.

CHAIR WHITE: Thank you. It's been moved and seconded to approve the organizational meeting minutes of January 2, 2015 and the regular meeting of January 16, 2015. Any further discussion Members?

Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure carries with seven "ayes", and zero "noes", two Members "excused" Mr. Couch and Mr. Hokama.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-9 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 2 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (BANFIELD CHARITABLE TRUST)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-304, from the Budget Director, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-9.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, the motion has been moved by Vice-Chair Guzman and seconded by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Your Budget and Finance Committee met on February 3, 2015 to consider FY 2015 Budget amendment to approve the acceptance of, of a \$1,000 donation from the Banfield Charitable Trust for the Kaunoa Senior Services Meals on Wheels Program.

The funds will be used to provide homebound seniors with food for their pets. I ask for your support as well as the Members. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure carries, seven "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record BILL 2 (2015).

COMMITTEE REPORT

NO. 15-10 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 3 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF

POLICE (KALO PROGRAM)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 14-305, from the Budget Director, be FILED.

CHAIR WHITE: Vice-Chair Guzman.

VICE-CHAIR GUZMAN: Thank you.

MOVE TO RECOMMEND, MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 15-10.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion by Vice-Chair Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

Your Budget and Finance Committee met on February 3, 2015 to consider a FY 2015 Budget amendment to approve the acceptance of an \$89,000 grant from the State of Hawaii, Office of Youth Services, for the KALO Program, a cultural program for at-risk youths on Maui.

The program will engage juveniles and their families in a four-week interactive program to promote positive lifestyles decisions and successful transitions into adulthood.

And Chair, I, I most thoroughly support these type of youth programs. I, I believe that they are, they're here for a reason and they will enhance our community to grow adult citizens that will respect the society and the community as a whole.

I ask for your support as well as the Members. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure passes, seven "ayes", two "noes", I mean, I'm sorry, seven
"ayes", no "noes", two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record BILL 3 (2015).

COMMITTEE REPORT

NO. 15-11 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the County Communication 13-344, from Councilmember Mike White, relating to a grant of a license to Tri-Isle Resource Conservation and Development Council, Inc., for the use of the Pioneer Mill office building in Lahaina, Maui, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-11.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Okay, we have a motion by Member Crivello and a second by Member Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

Your Housing, Human Services, and Transportation Committee notes that Resolution 06-124 authorized a grant of license to Tri-Isle Resource Conservation and Development Council, Inc. (Tri-Isle), for the use of the Pioneer Mill office building in Lahaina, Maui.

The community organization Na Kupuna O Maui had sought the assistance of Tri-Isle to be the licensee and provide the administrative support for their vision of restoring the building as a resource center including a repository of genealogical and historical documents and office and meeting space.

Your Housing, Human Concerns, *[sic]* and Transportation Committee having met on February 5, 2015, to receive a status update on the project heard from Tri-Isle Executive Director John Tomoso. He stated that Tri-Isle and Na Kupuna O Maui were unsuccessful in obtaining funding and community support for the restoration of the building and that Tri-Isle continuing to hold the license would be an impediment to the rehabilitation of the historic building. Tri-Isle has formally requested to terminate the license.

The Department informed the Committee that there are several organizations interested in restoring and occupying the building.

Your Committee recommended the filing of the communication and I ask for your support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item?

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And thank you, Ms. Crivello for bringing this forward to us. And, I concur that there needs to be an RFP set out there in order to determine the future use and licensing

of this building due to the fact that its disintegrating in front of my eyes every day I drive by it. And it's a very, it's a beautiful building, it could be, lot of potential and I think there could be a very great use for this community. So, looking forward for the process to continue forward and in expeditious form. So, thank you very much for bringing it forward and fully support this. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran. Any further discussion, Member? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure carries, seven "ayes", zero "noes", two "excused".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-12 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending that Resolution 15-19, entitled "RECOGNIZING THE IMPORTANCE OF PROTECTING AND ENHANCING THE REEF ECOSYSTEMS IN MAUI COUNTY", be ADOPTED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-12.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion by Ms. Cochran and a second by Mr. Carroll.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Mr. Carroll.

Your Committee met on February 2, 2015, to consider resolution recognizing the importance of protecting and enhancing Maui County's coral reefs. A presentation and panel discussion were held with resource persons from the Maui Nui Marine Resource Council and their Maui Coral Reef Recovery Team.

Your Committee discussed the issue of brown water and noted concerns related to prevalence of brown-water events and the need to mitigate the severity of these events.

Your Committee also discussed the use of community-managed marine areas as a strategy to reverse the trends of coral reef decline in Maui County. Community-managed marine areas or CMMAs encourages community involvement in the management of marine resources. CMMAs have proven effective in places such as Palau at sustaining the long-term support that is critical for reef recovery programs to succeed.

Your Committee notes the Countywide Policy Plan for, calls for the protection and restoration of nearshore reefs and improving communication, coordination, and collaboration among government agencies, nonprofit organizations, communities, individuals, and landowners working for the protection of the natural environment.

Adoption of the resolution supports these policies and is an important step towards the betterment of Maui County's reef ecosystems. Your Committee recommended adoption of the revised proposed resolution and filing of the communication.

I respectfully ask for my fellow Members support of these recommendations. Thank you very much, Chair.

CHAIR WHITE: Thank you, Ms. Cochran. Members, any further discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I would just like to thank Councilmember Cochran and her Committee to bringing this forward. I too, can feel for the, the passion that what we need to do to take care for the future generations.

I also had an opportunity couple years back to facilitate some community based planning for people in Palau. And their, their landscape with the ocean is just beautiful. And the kind of steps that Palau and the government has taken is quite impressive. And may this be the beginning of all of the islands to, to look at restoring, protecting and enhancing our reefs. Thank you.

CHAIR WHITE: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I would also like to thank Ms. Cochran for bringing this up. As a former diver in another life, I've dived most of the reefs in Maui County, on Maui, Molokai, and Lanai. It's such a big part of what we are, it really is. People don't think about it. Some people don't even go in the water. But those reefs are what help to make us what we are. And it's so important that we take care of them.

As one of the testifiers said, this is a first step, it's a very important first step and I hope we can continue towards the preservation and restoration of our reefs. Thank you.

CHAIR WHITE: Thank you. Any further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: I also would like to echo the same sentiments of our, my fellow Members and I agree that it's something super important to not only our local residents and their subsistence, but also the visitor industry as well as the entire earth.

I mean, we're all one planet and what happens here, and what happens there, happens to affect all of us. So I think it's very important to continue working hard to preserve and, and correct the environmental and degradation of the ecosystems that we have all been seeing live by diving in these waters. So thank you, Ms. Cochran and to you Chair for bringing it forward.

CHAIR WHITE: Thank you.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I also would like to echo the sentiments of my colleagues and, and thank Ms. Cochran for bringing this forward. I, I believe that the, when it was presented on the, on the Committee, it was something that was very refreshing in terms of addressing our, our concerns with the, our reefs.

And I learned that our reefs are inter, everything is interconnected. If we take care of our reefs, it will take care of our economy. And if we take care of our reefs, it will take care of the subsistence for our families to grow in a healthy environment. So, I truly appreciate this resolution and I hope in the future if we stand by our word and truly support the protection and saving of our reefs. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

Chair, sorry, I need to make a correction on my motion in regards of the filing. My intention is not to file this at this time. So, do I need to redact--

CHAIR WHITE: Is that okay with the second, Mr. Carroll is that okay with you as the seconder of the motion.

COUNCILMEMBER CARROLL: I'm sorry, Chair.

CHAIR WHITE: Ms. Cochran mentioned that she meant to keep from filing this, so she--

COUNCILMEMBER CARROLL: Oh, yes.

CHAIR WHITE: --changing the motion.

COUNCILMEMBER CARROLL: I concur, I concur.

CHAIR WHITE: Okay, thank you.

COUNCILMEMBER COCHRAN: Okay, thank you.

CHAIR WHITE: And I'll just add that I, I feel that we are way behind in caring for our reefs. And I'd like to challenge this body to take it one-step further and pass a resolution asking the State of Hawaii to give us authorization and responsibility for nearshore

waters. Because this is like so many other issues where we can, we can look at it but, but it's really in the State's hands to determine what happens from the, from the high water mark into the ocean.

And, we can control what happens, we can control to some degree what happens on the landside. But I think to truly protect our reefs and protect the resources, we need to have the ability to deputize people to work with DLNR and to provide ways in which we can implement the old kapu systems to protect the resources and do other things that may be things that the State is unwilling to do or unable to pass on a Statewide basis.

Because I think, you know, like with the protection of watersheds, the County of Maui, this is long before I got here, so this is not something that I feel I can take any credit for, other than just continuing to support. But we have been way ahead of the rest of the, the State in protecting watersheds and I don't know when it started but certainly Ms. Baisa, Mr. Victorino have been very much a part of supporting those efforts.

And I think that this body would willingly put those same kinds of resources towards the protection of our reefs. So, that's a challenge to Ms. Cochran's Committee.

Ms. Baisa, your papers are rubbing on the microphone.

COUNCILMEMBER BAISA: Sorry.

COUNCILMEMBER VICTORINO: I was wondering what that was.

CHAIR WHITE: I didn't know where it was coming from and I saw Ms. Cochran going. But anyway.

COUNCILMEMBER COCHRAN: And sorry, Chair, if I can chime in on your comment. Yeah, I, I take up that challenge, so it's not a problem.

CHAIR WHITE: Okay, any further discussion, Members. Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 15-19.

COMMITTEE REPORT

NO. 15-13 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Bill 4 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-29, from the Director of Water Supply, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-13.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion by Mr. Victorino and a second by Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

At its meeting of February 4, 2015, your Policy and Intergovernment Affairs Committee met and discussed the proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENT AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY". The proposed bill authorize the Mayor to execute an agreement with the Honolulu Board of Water Supply to continue to provide billing services through September 30, 2024, for water service charges for the County of Maui's customers.

The Director stated that although the proposed bill extends the contract for about 20 years, both parties anticipate that the County will be able to provide its own water service billing within the next three years so that they may terminate the contract at, at the time on a mutually agreed basis.

The Manager and Chief Engineer of the Honolulu Board of Water Supply stated that they were satisfied that the Department's projected timeline and will support the equitable termination of the contract.

I respectfully ask the, my Members to, to consider this motion and to have the understanding that we are moving very quickly and hopefully within the next three or four years we will have our own billing system and no longer depend on the Board of Water from Honolulu.

Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record BILL 4 (2015).

COMMITTEE REPORT

NO. 15-14 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution _____, entitled "APPROVING THE APPOINTMENT OF JOHN D. KIM AS THE PROSECUTING ATTORNEY", be ADOPTED;
2. That the correspondence dated January 16, 2015, from the Department of the Corporation Counsel, be FILED; and
3. That County Communication 15-27, from the Mayor, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE THAT WE ADOPT THE RECOMMENDATIONS IN
COUNTY COMMUNICATION 15-14 [S/C].

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion by Mr. Victorino and a second by Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

At your Committee, at the meeting of the February 4, 2015, your Policy and Intergovernment Committee voted 8-0 to recommend the passage of the proposed resolution entitled "APPROVING THE APPOINTMENT OF JOHN D. KIM AS

PROSECUTING ATTORNEY" on first reading and the filing of County Communication, and filing of the communication.

Your Committee notes that Mr. Kim has been serving in, as the Prosecuting Attorney since 2011.

On the Committee, your Committee also confirmed with the Department of Police and the Office of Public Defender, the support of, for Mr. Kim's appointment.

Your Committee noted the receipt of written testimony submitted to the Committee in opposition to Mr. Kim's appointment.

Based on the information received, your Committee voted 8-0 to recommend the adoption of the proposed resolution. I respectfully ask your support in the consideration of this motion.

CHAIR WHITE: Thank you, Mr. Victorino.

Before we proceed, just for clarification, this was Committee Report.

COUNCILMEMBER VICTORINO: --what did I say.

CHAIR WHITE: 15-13, 15-14.

COUNCILMEMBER VICTORINO: 15-14, yeah. Committee Report 15-14. Did I say something--

CHAIR WHITE: You mentioned County Communication.

COUNCILMEMBER VICTORINO: Oh, I'm sorry. Committee Report 15-14. I apologize for that mistake.

CHAIR WHITE: No, no problem, we just need to get it on the record.

COUNCILMEMBER VICTORINO: Thank you, sir. I'm sorry.

CHAIR WHITE: And, and further discussion, Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, would you consider giving us a few minutes to look at this packet of about, over 30 pages because I feel I want to look at it before we discuss this and that's why my, my paper was scratching the mike. I was trying to multi-task and it doesn't work.

CHAIR WHITE: Yes, I think that's a reasonable request. We'll take a, a recess, how much time would you like? Ten minutes?

COUNCILMEMBER BAISA: At least three minutes would help.

CHAIR WHITE: We'll, we'll take a ten-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:39 P.M., AND WAS RECONVENED AT 2:56 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH AND HOKAMA, EXCUSED.)

CHAIR WHITE: This Council meeting shall come back to order.

And Members, we took a recess to review the documents that have been handed out and hopefully you, you've had an opportunity to take a look at them. So, we'll, we're ready to proceed with discussion.

Mr. Guzman, proceed.

VICE-CHAIR GUZMAN: Thank you, Chair.

Let, let me first of all give a little bit of background in terms of what the Prosecutor is in terms of the, what it stands for integrity, fairness, justice. It's such an important position that in the other counties, Kauai, Big Island, Honolulu, their head Prosecutor is elected by the people, and the Council and the Mayor of those counties have nothing to do with the election of the head Prosecutor.

Now if we turn to our Charter, our Charter delegates the authority of appointing our head Prosecutor by the Council. Appointed by the Mayor and approved or disapproved by the Council. We sit in the shoes and we stand in the shoes and we represent the people. And we must by doing that, having that authority, and having that heightened obligation, we must exercise due diligence in investigating and deliberating and making sure that we are, we make an informed decision before we approve or disapprove the nomination of the head Prosecutor.

What is due diligence, Chair. The ability to conduct through interview, a thorough interview of the nominee. A look at a performance evaluations of the nominee. Have the goals been set out four years, years ago, have they been met. If so, in what way have they been measured. An investigation of a person and the management of the people and the department of which they are charged prior to taking action. Acting with a certain standard of care.

I have reasonable doubt Chair, as to the confirmation of Mr. Kim. I acknowledge the letters of support. But I am also concerned with the negative letters that were submitted and most recently telephone calls from current employees in that office. I'm at a, I'm at a dilemma Chair, in terms of looking at the evidence or at least the testimonies. There's positive and negative.

So I must turn to our procedures. Did we exercise due diligence to be able to make an informed decision. So I went back and I compared. In 2011, when Mr. Kim was present, present during the PIA Committee, pause the Intergovernment Affairs Committee, chaired by Mr. Riki Hokama. I went back through the record and I looked at the second meeting, February 2, 2011. And here in Mr., Chair Hokama, said "Your Chair is comfortable that the Committee has asked its questions and has done its due diligence to be able to make an informed decision."

Prior to that meeting, the PIA had an investigatory meeting in which July, January 25, 2011, and all of you, I'm referring this to the Members, to look in the packet. You can see, the voluminous amount of questions that were posed to Mr. Kim and at one point on page 13, Mr. Hokama, even though the Members were tired and at some point wanted to quit questioning, Mr. Hokama pushed on and said, "yet, we are still in our due diligence, investigative mode for this Committee's confirmation hearing." And proceeded more to, to ask the questions.

Now, when we turn to what we did, on February 4, 2015, on the record, we have two questions asked and then we went into executive session, and then we spent about four hours in executive session, came out of the executive session, and took a vote to push the measure, to push it out of Committee to full Council.

In the record, I believe that we did not do our due diligence based on the record. So if there are any questions as to what liabilities, or whatever concerns that we may have in the future at the Prosecutor's Office, we have to ask ourselves did we exercise the people's due diligence. I believe not.

So I move forward and state that after the February 4, 2015 PIA meeting, it was publicized in the newspaper, front page. And thereafter on the next day, I received telephone calls from employees that are currently within that office. They brought up new issues that were not presented in PIA, new issues that I wanted to ask and clarify with a meeting with Mr. Kim.

I called and left a message, I emailed the office, I called again and it wasn't until four days later I received a written letter and it's in your pack, packet, if I can find it. I received a written letter dated February 20, 2015 asking me to put my request for a

meeting in writing and to put any agenda matters that I, that would be set forth at the meeting in my letter, pursuant, pursuant to the Mayor's directive. And he attaches the Mayor's directive, the memorandum, the employee communications directive, which basically in a sense says all employees of the County civil service and below cannot talk to the Councilmembers.

Time is of the essence, I had no time to immediately write a letter back to him. I wrote the letter, my, my correspondence letter on the 13th, and here in, in your packet is my, my letter as well addressing my concerns and basically saying that I respectfully disagree with this, disagree with this procedural delay in communications.

I then set forth some of the topics or issues that were presented to me and I want to read those on the record. The backlog of cases in the office, including Felony Screening cases. Administration operations and reorganizations during the last four years. The application of internal policies and standard procedures. Oversight and duties over general prosecution cases, divisions, units, etc. Number five, duties of the Prosecutor, duties of the First Deputy, delegation of duties, decision-making process, others involved or perceived to be in the administrative authority, Deputies considered to be part of the administration and provide decision-making assistance. Staff turnover during the last four year period, including position titles, names and reasons why employees left or were dismissed. Training conferences and seminars on the mainland. And a performance evaluation report and measure for the Prosecutor.

These were not answered and those I guess primary topics which inclusive, I have several other questions within those, were not answered. So at this stage, based off of what I have before me and what I've received and not being able to speak with the Prosecutor himself to clarify. I've received other letters as well as the phone calls I had, that I received on the fifth and the sixth that indicated that Mr. Kim was demoted and, demoted and reprimanded for backlogs when he was a line Deputy at the Prosecutor's Office. And that was held in public record on a order from the United States District Court.

CORPORATION COUNSEL PATRICK WONG: Chair, excuse me. Chair, if I may. Can we take a short recess.

CHAIR WHITE: Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:07 P.M., AND WAS RECONVENED AT 3:16 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH AND HOKAMA, EXCUSED.)

CHAIR WHITE: The Council meeting of February 18, shall come back to order.

And we will continue. Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I, I had been advised by Corporation Counsel not to delve into this matter so I will proceed with my conclusion. In terms of, I, I feel that I have received enough information and calls and testimony on the negative side, at this time have reasonable doubt in my mind to confirm JD Kim. So I will be voting "no" on this measure. Thank you, Chair.

CHAIR WHITE: Members, further discussion.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I also received many calls and many personal visits of active employees and employees that are no longer working in the office, who were working under Mr. Kim at that time. The combination of so many people and so many calls and plus the documentation that Mr. Guzman has delivered to us today and the concerns and something's that even with all the people that talked to me, I had not known before. I cannot support this at this time. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Recess, please. May I--

CHAIR WHITE: Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:18 P.M., AND WAS RECONVENED AT 3:23 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH AND HOKAMA, EXCUSED.)

CHAIR WHITE: This Council meeting shall come back to order.

And we will continue with discussion. Any further discussion?

COUNCILMEMBER COCHRAN: Chair. Chair, thank you.

And I have to say, concur and say that I too, had gotten queries and I had met face to face with many people with concerns and just firsthand experiences were shared with me. They were really heartfelt, truthful, they were very open in their honesty and quite, I mean few continued to work there so it's, it's very hard for them to come forward publicly, openly. But wanted to share their firsthand experiences and it was, it was tough to hear many of them were very emotional. Many of them I can tell had really deep hurt, wounds, injuries, whatever you may have, whether it was mental, and scarred from their experiences. So for me it was very moving and because of these, these testimonies that I had received from them firsthand, it really shed light on the true nature of this department.

And you know at this point, whether, I mean, investigations or audits are in need, I, I don't know, but with the light that's been shared, you know, of, of Mr. Kim, I too have to concur with Mr. Guzman and Mr. Carroll that I can't support this nominee at this time. Sorry about that. Thank you, Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: This is very distressing. The fact that this is not the first time that we're sitting here wrestling with this. And I was very happy with the executive session we had, I walked away from it feeling that, you know, a lot had been explained. Unfortunately because of the matter we're dealing with, and because of the sensitivity to personnel and those kinds of issues, it's very difficult to have a real open discussion because of you know people's need for anonymity and to be, you know, covered by privacy considerations and all of that stuff.

I have to say I find it very interesting to hear about all of the many phone calls because I didn't get even one. And, maybe people felt that, you know, I wouldn't listen to them or whatever, but I got absolutely no calls. And, it's very hard for me to disparage the reputation of a gentleman like Mr. Kim in this community without having the opportunity, you know, most of us under our American system are innocent until proven guilty. And we're making a judgment call here based on alleged phone calls, allegations and all kinds of stuff and I just don't feel comfortable.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I, I would have to say I feel very incomplete, if that makes any sense. I did not receive phone calls, but I've been meeting, people have asked to meet and, you know, like leaving the office, maybe about, was 8:30, after 8:30 just to listen to concerns.

And, and it, it mounts to management of, in regards to the concerns. Management and the dealing with personnel, your, you heard from employees who left, employees who are still employed there but are afraid of retaliation. And, I feel incomplete because where is this evaluation supposed to come from.

And, and Mr. Guzman mentions due diligence. So, how do I do my due diligence. We have a document, or a couple pages, or one page of a document that was issued, but we cannot, you know, talk about it further or, or discuss it from Mr. Guzman who presented it.

We've had letters of support and we've had letters of, in opposition. In regards to the opposition and the concerns, it, it bears a significant responsibility to me on the chain of command. I've asked did, you know, he has his management people that he reports to. And I was advised and, and I do not have proof except for what they said, they left their concerns with the management director or it has been addressed to our Mayor.

And, you know, in the, in the final bit of it all, that's to me where the evaluation and the recommendation comes from. Something, there's a puka someplace that I don't know who plugs it up. Is it the Mayor, is it us. And then we have a kuleana to make sure that I'm going to confirm or not confirm based on, on these allegations that I, I've received. And, I, I, I don't know the procedures or have enough knowledge as to how we can forward so that I may have an opportunity to have, to do more due diligence in making the final call of yes or no.

And this is where I, you know, and the difficulty too, is when I have so much respect for testifier, like Judge Baxa and you know it's what he says, choose what is right, we have that distinction. And I, I feel very incomplete as a decision maker at this, at this very moment as to how do I base my decision. And, you know, if I were to base it on just reading this handouts, and, and listening to the concerns or the emotion, I cannot describe the emotions that employees who've had over 20 years with the County, 20 plus years expressing their disappointments and the disheartening atmosphere that they are, they worked in and had no choice but to leave or, or they were one maybe demoted or terminated.

I wish there were a way that everyone could hear this, but is it fair that personnel information be brought up in this manner. I've always felt that personnel is personal between management and the employee. And that doesn't give me much of an opportunity to make a decision. And, I don't know, can somebody tell me if there, is the procedure to either vote yes or no and is that it or is there another process that will give us enough time to do more due diligence.

Haven't had the opportunity to question Mr. Kim in regards to some of these allegations. I don't know if we'll have that opportunity or this is the right venue at this time. So, I'm incomplete but if I were to base on what I've got before me, it would probably be no confirmation at this time. And that's not an easy decision right now, I, I have to say. Because you also have letters of support. You also have people in his support. So how do you find the right balance. So, I think we need to readdress or address this further. Thank you.

CHAIR WHITE: Further discussion, Members.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Chair, thank you very much.

And, it's been very interesting and I, I too, like Ms. Baisa have not received any calls. Now you made the point that I've been away and that's true, but that never stopped people from calling me in the past so. This is what's become very difficult and on top of everything else, in executive session of over four hours, some of the same items were vented out. Some of the same items, not all the same, not everything was brought forward as we've been shown today. But I thought we had done our due diligence.

We never went into executive session the first time around. So, that's why all this public record we had to in the second, and it was a request of Members to go into executive session. So I wanted to be fair, and I've done it the best way I knew how, with the advice of Corporation Counsel and our legal staff. So I, I have no qualms, we've done what I knew to be right. If other things come out later, I'm sorry, you know, I didn't see it, I never heard it, you know. And that what's kind of frustrating with all of this.

I know Mr. Kim, I know the family, I know, and that's really hard when you have a lot of connections in this, in this county. A lot of personal connections, good and bad. But most importantly is I, I would have wished for some time to review and see and hear from these people so that I could make what I call a clear judgment. And just

like Ms. Crivello is saying, you know, it's very difficult. And then things are just put us, us, in front of us today.

And again I understand that in the, in that respect, we've got no choice the way our Council Rules and Sunshine Law operates. We're stuck and you know, I, I would rather have all nine of us here so that when the decision was made, it was made by all nine, not by seven. Last time it was eight, and one was excused. But it was 8-0 based upon all that information.

And now we've got a ton of other information and yet we hear from esteemed Judge Baxa who came here and, and supported. And on his own time he says I had no one ask me to come. Okay, I take Judge Baxa's word on his reputation.

I don't know how to really say this in a sense that I would wish we had some time to, and I know we can't have a special meeting cause we're all off to DC tomorrow. And so that eliminates that. I just would like some time and I had hope to, that you would consider putting this off. But then I understand one Member wants the vote because they're not going to be here at the next meeting. It's almost every meeting now somebody's not here for whatever reason, you know, and it's, it's just the way it is now. But it makes it very difficult to make a decision.

One of the things I will be doing is after this, I will be looking at a Charter amendment change to maybe make it an elected. Let the people decide. If this is going to be the way it is and so difficult, let the people decide. I think maybe that might be a good way to see if we get better results. But I can tell you in the other, in the other counties, the results have not always been good because politics was the mainstay.

I'll leave it at that, okay, and the facts are on the table, anybody wants to go check the facts, go check the facts. But that is the way it is. We're here, we're here today and so I would hope that we'd had more time so that I could hear from people that have these challenges that I can better understand.

But I'm not getting any information, I have not till this moment received any call, any email, or any letter, or anything from anyone that was different from the first round. So, I will leave you with that decision, Mr. Chair. You're the one that's in charge, I'm not, I'm just a voting Member. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino. And I, you know, we always had that challenge, every meeting we have the, the element of somebody being off-island and unavailable.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

So in reference to what Mr. Victorino asked about having another meeting and not having a Member available. Can you clarify on that.

CHAIR WHITE: Well, it's my understanding that we have another Member who will not be available at the next meeting.

COUNCILMEMBER CRIVELLO: Will we have eight or seven or.

CHAIR WHITE: We will have I believe eight. Is that correct.

COUNCILMEMBER CRIVELLO: Would that, would that allow us to, to have more due diligence or, or allow us to have further, you know, we have two Members that have not heard from any of the employees, why I don't know. But, maybe they, there can be more investigative on our part.

CHAIR WHITE: The, one of the Chair's concerns is Mr. Kim's response to Mr. Guzman's request for information. Because I think it was a very legitimate request what are the, you know, what are the other backlogs. How was the department running. He asked for very pertinent information.

I personally don't feel that the Mayor's authority or his, his memo saying that all of our communication must go through his office applies to a confirmation, because that is a direct responsibility of this body.

So the Chair's concerned and I have heard from a number of individuals and they're very heart wrenching concerns. And I don't really want to get into all of those because it's may not be appropriate. But, but the fact that the Prosecutor was in my view hiding behind the Mayor's memo and not providing information that we could have used to do our due diligence, the Chair questions whether in the next two weeks, we're going to have any greater participation or greater openness than we've had in the last two.

So I, you know, I'm, I'm comfortable putting it to a vote today, if it, you know, and, and see what happens. If we have a stalemate, then we, we take it up at the next meeting. The Chair remains unconvinced that we will have any, any better information coming from the Prosecutor's Office in the next two weeks.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I understand what you're saying about the confirmation that should have been, we should have been allowed to receive Mr. Guzman's request. But we also know that there is a directive out there from the Mayor that, I mean even to go to the employees we have to have this transmittal pass through.

So, and, and I'm just questioning because the information I get is basically just received. And, what I've just received, for me needs more investigation, for me needs more due diligence and that, this is why I find it difficult to, to just make that decision based on what I have before me. And, if I were to base it on what I have, it cannot be accepted.

So, I feel I'm being denied the opportunity to do more due diligence and I, I hate to just, you know, belabor that words, but that's what it is, you know. I'm, I'm just being cut short to do my due diligence because of the, the fact that one Member will not be here the, the next meeting. Or is it possible for us to, to schedule that meeting and what that does for me is give me more time to, to, I guess, to massage all this information or, or . . . and, and you know what, it's not good information, it's not good at all. So, it's sad that the public cannot hear it as well as my other colleagues.

CHAIR WHITE: Yeah, and the, the concern is whether or not that lack of, of actionable information is due to the lack of response from the, from the office.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair.

Chair, I'm pretty much in the same spot as Ms. Crivello. I don't feel comfortable. I would not be comfortable making a vote today and if I had to make one, I will not be voting against him because I don't feel that I have the right information to do that.

You know, when we're dealing with someone's reputation, you can't take it back. This is a small community, I want to be sure that if somebody's making an allegation that it's true, and I want to be able to verify it, and I can't, not in this situation.

I understand that we already have from one of our past meetings an ethics violation because personnel information was, was made public. And that's already one problem that I don't think has been settled. I don't want another one.

But I do not feel comfortable in voting today. If somebody's going to be missing from the next meeting then you know, attending Council meetings is a priority, they have plenty of time to think about it, they need to be here. I'm sorry.

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you. Let me put this in perspective and, and, and one of the reasons why I'm voting the way I am is because there is a 60-day time limit. If we do not take action, from the time that Mr. Kim was appointed by the Mayor, which was January 2, we have to take action within 60 days or the appointment will, shall be deemed to be confirmed. And that's under the Charter.

And that's why the, it was, you know, I wrote the letter, I tried to get to comply with the Mayor's directive, but time is of the essence and we are under a deadline. Either we act or we don't act. If we don't act at all, he will be appointed, he will be deemed confirmed within 60 days. So we are under a time limit and I don't know what the, how long it was in PIA Committee, you know, from the time of January 2. But I think we should have been on it a lot sooner than we, than we were pressed for time. Now we're left in this situation where we're fighting time.

And, this new information that came subsequent to the PIA Committee, if we had had a PIA Committee meeting earlier on, in let's say the, the mid-January, maybe those other new issues would have come out earlier. But they didn't. It is what it is. And we are faced with having to either approve or disapprove. I don't have enough before me to make that decision whether to approve or disapprove. But I do know that I have reasonable doubt in my mind.

So if I have, if I have doubt in my mind, I stand in the shoes of the people. I represent the people and if this was an elected position, if, if the Prosecutor's Office was an elected position, could I cast that vote for the people. And right now at this point I cannot cast that vote to confirm. So I have to represent the people because it is within our Charter that we are the representation of the people.

And, and what we have before us pros or cons is what we got to deal with. Same with campaigns out there, they're not fully informed on every issue, but they've got to cast their vote for the Prosecutor that they want in other jurisdictions. We're left in the same position. And so my vote at this point, and I have to, you know, reiterate, I cannot confirm at this point. Thank you.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

And I'll wait till Mr. Wong sits at his desk because this is a question I, I was, I thought I heard that that directive didn't pertain to this body, totally, the directive from the Mayor, that we can't communicate or whatever. I mean I know personally, and I'm not trying to throw anybody under the bus, but if I have little questions via different departments that I, my Committee directly works with, they are open to answering my questions. So, that's occurred and it's definitely expedited work along which is needed for this community. So I don't know if, if that's what I'm to understand, that that directive didn't a hundred percent pertain to this body as the Councilmembers. Chair, I don't know, did you get that.

CHAIR WHITE: Corp. Counsel, if you'd like to respond to that.

CORPORATION COUNSEL: If I understand the question, are you asking Member if the directive applies to whether or not you as a body can direct any questions towards the Administrative staff.

COUNCILMEMBER COCHRAN: Right.

CORPORATION COUNSEL: Okay, you're correct that the directive applies from the Administrative, from the Executive to the Administrative branch. It does not apply from you asking a question of an employee. However, it's in the reverse, the employee must respond through the Mayor. And if you look at the directive itself, it's instructing the Administration from the Chief Executive to communicate with you, through the Chief Executive. Does that answer your question.

COUNCILMEMBER COCHRAN: Yeah.

CORPORATION COUNSEL: You can ask questions, but you won't get answers, it has to go through that, through the executive.

COUNCILMEMBER COCHRAN: Okay. But, Chair, as, I mean there's, some are willing to work with and others will flat out say I have this directive when they don't want to speak to you kind of thing. And that's where I'm finding it's not being utilized fairly or equally amongst all of them. I mean, I mean and in this particular case I too agree that the query should have been responded to being that we are in a timeline.

And just to be fair to Mr. Kim and, and others here, from our last meeting in regards to Mr. Kim's reappointment, we had, had the questions, we went into executive, we came out with a favorable decision. That is when these people, the, the people, past

workers, current workers came to explain themselves out. Cause they were sort of left in the dark in watching the deliberations. And filled me personally in on their side, you know, their, their stories.

And that is when it came to my realization that those letters that were presented to us on the floor I felt was also presented to Mr. Kim at the same time. Yet, I found out that he had heads up on these letters, had time in advance to prepare statements, to prepare how his rebuttals were going to be to the line of questioning. So that's what sort of gave me a whole different perspective on the situation.

So I just wanted to get that out there publicly and to just, you know, be fair to all, why my decision also has changed. Thank you, Chair.

CHAIR WHITE: Any further discussion, Members. The Chair's going to take a five-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:51 P.M., AND WAS RECONVENED AT 4:08 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH AND HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting shall come back to order.

Members, is there any further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: You know, I just, you know, I wanted just clarification on this whole matter as mentioned by my colleague and I wanted to set the record straight. We started this process January 22, after I had received the information to transfer it to the Committee meeting. And we only had one Committee meeting and that was deferred after we had started for the purpose of organization. So, there was no other time I could have started any earlier and so we started on the 22nd and then this was deferred to February 4, which was the first time we were able to get that because of information that, again you were here, that was shared to us very late in, in the proceedings.

So just to be fair to everyone, I wanted that put on the record that I did everything possible to schedule it as soon as I got the opportunity to have it scheduled and different circumstances made it delayed. So just to set the record straight, Mr. Chair. Thank you.

CHAIR WHITE: Thank you, Mr. Victorino.

And I, and I would comment that we did get a relatively early start this time because we, we accepted all the, the referrals at the Organizational meeting.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Chair, Chair. Can I place this on the record. Article VI, Executive Branch, the Council shall confirm or deny the confirmation within 60 days after receiving notice of the appointment by the Mayor. So it all depends on when, you know, January 2, was the appointment, so the notice whenever it came into PIA, that starts the clock for 60 days. Just for the record, Chair.

COUNCILMEMBER VICTORINO: And Mr. Chair, I think if you check the record, I think it was January 16, but I may be incorrect. You can verify that by the correspondence received to the Committee through your office.

CHAIR WHITE: The Chair's understanding is that the, the appointment was received on January 5, and that means that the time limit extends through the day of March 6. So that's the, that was a determination by staff earlier and, and confirmed with Mr. Wong.

COUNCILMEMBER VICTORINO: Thank you. And that was, that I just wanted that clarified so at our March 6 meeting this will still be able to be taken up. Am I correct.

CHAIR WHITE: Yes.

COUNCILMEMBER VICTORINO: Thank you, thank you for that clarification.

CHAIR WHITE: Chair appreciates all the, the discussion and the Chair is going to call for the question. I think it's important that we move past this, if we are able to. So, with that, please consider your vote and all those in favor of the motion on the floor, please signify by saying "aye".

COUNCILMEMBER BAISA: Would you repeat the motion, please.

COUNCILMEMBER COCHRAN: Reappointment.

CHAIR WHITE: Clerk, could you repeat the motion or--

DEPUTY COUNTY CLERK: The motion is to adopt the recommendations in Committee Report 15-14, which includes adopting the resolution approving the appointment of John D. Kim as the Prosecuting Attorney.

CHAIR WHITE: Okay. All those in favor, please signify by saying "aye".

COUNCILMEMBER BAISA: Aye.

COUNCILMEMBER VICTORINO: Aye.

CHAIR WHITE: Those opposed say "no".

VICE-CHAIR GUZMAN: No.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Roll call, please.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: AYE.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

DEPUTY COUNTY CLERK: Councilmember Don Couch.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.

COUNCILMEMBER VICTORINO: AYE.

DEPUTY COUNTY CLERK: Vice-Chair Don S. Guzman.

VICE-CHAIR GUZMAN: NO.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: NO.

AYES: COUNCILMEMBERS BAISA AND VICTORINO.

NOES: COUNCILMEMBERS CARROLL, COCHRAN,
CRIVELLO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

DEPUTY COUNTY CLERK: Mr. Chair, the motion fails, there are two "ayes" and five "noes", with two Members "excused".

CHAIR WHITE: Okay, and the measure does not pass, we still have a Committee Report includes a motion to disapprove. So the Chair would entertain a motion on the resolution to disapprove.

VICE-CHAIR GUZMAN:

SO MOVED.

CHAIR WHITE: It's been moved by Mr. Guzman.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: Do we have a second. Been seconded by Ms. Cochran.

Further discussion, Members. Seeing none.

COUNCILMEMBER CRIVELLO: I may be out of line asking this question, but say we vote to disapprove. Does it mean that we'll be without a Prosecuting Attorney or can the Mayor come back with an appointment or reappointment.

CHAIR WHITE: The, the Mayor can come back with another appointment.

COUNCILMEMBER CRIVELLO: Or reappointment, or is it just an appointment.

CHAIR WHITE: I, I believe it's his option.

COUNCILMEMBER CRIVELLO: Oh, I, I see.

CHAIR WHITE: Corp. Counsel, maybe your can clarify.

CORPORATION COUNSEL PATRICK WONG: In the event there's a vacancy that occurs under the Charter, the Mayor would need to reappoint or appoint a member, individual for that position and I'll read for you--

COUNCILMEMBER CRIVELLO: I'm sorry, I can't hear you.

CORPORATION COUNSEL: I'll read for you the exact provision involved. Under Article 6, Section 6-2, subparagraph 5, second to, third to the last paragraph, "If the appointment is not confirmed by the council, the mayor shall make a new appointment within sixty days of the council's denial, the council shall confirm or deny within sixty days after receiving notice of the new appointment by the mayor. If the council does not act within the 60-day period, the appointment shall be deemed confirmed."

VICE-CHAIR GUZMAN: Chair.

CHAIR WHITE: So the Mayor has the, the ability to appoint or reappoint.

COUNCILMEMBER CRIVELLO: And, and we have 60 days.

CHAIR WHITE: The clock would start over again.

VICE-CHAIR GUZMAN: So, Chair, it's my understanding that if Mr. Kim is disapproved today, the Mayor can appoint him again and the 60 days would start anew. Is that correct?

CHAIR WHITE: That's my understanding.

VICE-CHAIR GUZMAN: That's my understanding as well. Okay, thank you, Chair.

CHAIR WHITE: Any further discussion? The, understand the motion on the floor is to disapprove. So, all those in favor of the motion to disapprove, please signify by saying "aye".

VICE-CHAIR GUZMAN: Aye.

COUNCILMEMBER COCHRAN: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER BAISA: No.

COUNCILMEMBER VICTORINO: No.

CHAIR WHITE: Okay, roll call, please.

DEPUTY COUNTY CLERK: Councilmember Robert Carroll.

COUNCILMEMBER CARROLL: NO.

DEPUTY COUNTY CLERK: Councilmember Gladys Coelho Baisa.

COUNCILMEMBER BAISA: NO.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: AYE.

DEPUTY COUNTY CLERK: Councilmember Don Couch.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Councilmember Stacy Crivello.

COUNCILMEMBER CRIVELLO: AYE.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Michael P. Victorino.

COUNCILMEMBER VICTORINO: NO.

DEPUTY COUNTY CLERK: Vice-Chair Don S. Guzman.

VICE-CHAIR GUZMAN: AYE.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO,
VICE-CHAIR GUZMAN, AND CHAIR WHITE.

NOES: COUNCILMEMBERS BAISA, CARROLL, AND
VICTORINO.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

DEPUTY COUNTY CLERK: Mr. Chair, there are four "ayes", three "noes" and two Members "excused", the motion fails.

CHAIR WHITE: Okay. Then we will take this up again at a future meeting and let's move on to the next item.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just for the record, this item will be deferred to the March 6, Council meeting unless specified otherwise.

CHAIR WHITE: Thank you.

DEPUTY COUNTY CLERK: Proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-52 - ALAN M. ARAKAWA, MAYOR,
(dated January 30, 2015)

In accordance with Section 2.40.090, Maui County Code, informing of the appointment of Ana Sorote and Ellie Marshman Castillo to the Committee on the Status of Women.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: I apologize, I lost my place. Once, quick recess, Mr. Chair, please. I'm sorry.

CHAIR WHITE: We'll take a two-minute recess.

COUNCILMEMBER VICTORINO: Okay, sorry.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:16 P.M., AND WAS RECONVENED AT 4:18 P.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH AND HOKAMA, EXCUSED.)

CHAIR WHITE: This meeting of the Maui County Council shall come back to order and we will be proceeding on County Communication 15-52.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. With your permission and with no objections from the Members, I would like to also bring up 15-53 and 15-54 because they all relate to the same, well, excuse me, I take that back, 15-52 and 15-53 relate to appointments of various committees and that really we, the Mayor has sent down to us and we're just going to approve 'um. So--

CHAIR WHITE: So you would like them--

COUNCILMEMBER VICTORINO: 15-52 and 15-53 together, please.

CHAIR WHITE: Okay. Clerk, if you could call up 15-53, please.

NO. 15-53 - ALAN M. ARAKAWA, MAYOR,
(dated January 30, 2015)

In accordance with Sections 12.24A.030 and 2.40.150, Maui County Code, informing of the appointment of William Myrter (Reappointment), Jackie Brainard, and Casey Foster to the Maui County Arborist Committee.

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

I MOVE TO APPROVE THE APPOINTMENTS STATED IN, IN
REPORT NO. 15-54, 52.

COUNCILMEMBER BAISA: No.

CHAIR WHITE: Mr. Victorino, these are referrals for--

COUNCILMEMBER VICTORINO: Oh.

CHAIR WHITE: --for, for filing.

COUNCILMEMBER VICTORINO: Okay, okay. Excuse me. I'm getting all confused now. It's been a long day, sir. It's been a long day. I apologize.

I MOVE TO FILE COUNTY COMMUNICATION 15-52 AND
15-53.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Been, we have a motion by Mr. Victorino, and second by Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: No, no further discussion, Mr. Chair. I apologize.

CHAIR WHITE: Okay, Members, the motion is to file 15-52 and 15-53.

All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, HOKAMA, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND VICTORINO.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", two "excused" Mr. Couch and Hokama.

Mr. Clerk.

NO. 15-54 - ALAN M. ARAKAWA, MAYOR,
(dated February 2, 2015)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Affirmative Advisory Council due to the resignation of Michael Kawagishi on February 2, 2015.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I MOVE TO FILE COUNTY COMMUNICATION
15-54.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Been moved by, we have a motion by Mr. Victorino, and a second by Mr. Carroll.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, this is to inform of the vacancy of the Affirmative Action Advisory Council due to the resignation of Michael Kawasaki *[sic]*, and I would like to say thank you to Mr. Kawagishi, for all his hard work and thank him for his service to this County. Thank you, Mr. Chair.

CHAIR WHITE: Thank you. Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, HOKAMA, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND VICTORINO.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", two "excused".

Mr. Clerk.

NO. 15-55 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated February 10, 2015)

Transmitting the Department of Water Supply water use report for November and December 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company and Wailuku Water Company for the same period.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chairman, with no objections from the Members, I'd like to ask the Clerk to also call up 15-56, they're related.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections.

Clerk, please call up the 15-56 as well.

NO. 15-56 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated February 4, 2015)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2015.

COUNCILMEMBER BAISA: Mr. Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

I MOVE THAT WE FILE 15-55 AND 15-56.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been, we have a motion by Ms. Baisa, and a second by Mr. Victorino.

Any further discussion, Members.

COUNCILMEMBER BAISA: No further discussion, Chair. These are just routine reports.

CHAIR WHITE: Thank you. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, HOKAMA, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND VICTORINO.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following
Committees as noted.

NO. 15-57 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated December 23, 2014)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, POST-EMPLOYMENT OBLIGATIONS FUND"; and
3. The "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-57 be referred to the Budget and Finance Committee.

NO. 15-58 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated January 30, 2015)

Transmitting the Budget Implementation Report as of December 31, 2014 (Fiscal Year 2015 Second Quarter).

The recommended action is that County Communication No. 15-58 be referred to the Budget and Finance Committee.

NO. 15-59 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated February 9, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, OTHER PROJECTS, WAILUKU UNION CHURCH/COUNTY ADDITIONAL PARKING LOT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-59 be referred to the Budget and Finance Committee.

NO. 15-60 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated February 9, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (STATE OF HAWAII DEPARTMENT OF TRANSPORTATION – SAFE ROUTES TO SCHOOL PROGRAM SPECIAL FUND)".

The recommended action is that County Communication No. 15-60 be referred to the Budget and Finance Committee.

NO. 15-61 - STACY CRIVELLO, COUNCILMEMBER,
(dated February 6, 2015)

Relating to paratransit services operated by Maui Economic Opportunity, Inc.

The recommended action is that County Communication No. 15-61 be referred to the Housing, Human Services, and Transportation Committee.

NO. 15-62 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated February 6, 2015)

Relating to roadway issue on Baldwin Avenue, Paia.

The recommended action is that County Communication No. 15-62 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-63 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 10, 2015)

Transmitting an application submitted by the State of Hawaii, Department of Education, transmitting copies of documents and three proposed bill entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT HO'OLEHUA, MOLOKA'I, HAWAI'I";
2. "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT HO'OLEHUA, MOLOKA'I, HAWAI'I, TAX MAP KEY NUMBER (2) 5-2-015:001 (POR), FOR THE MOLOKA'I HIGH SCHOOL"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 18.009 ACRES, FROM AGRICULTURAL DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 4.410 ACRES, AND INTERIM DISTRICT TO PUBLIC/QUASI-PUBLIC DISTRICT FOR 11.802 ACRES FOR PROPERTY SITUATED AT HO'OLEHUA, MOLOKA'I, HAWAI'I, FOR THE MOLOKA'I HIGH SCHOOL".

The recommended action is that County Communication No. 15-63 be referred to the Land Use Committee.

NO. 15-64 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 11, 2015)

Relating to an application submitted on behalf of Newport Hospital Corporation, transmitting copies of documents and three proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM P-1 PUBLIC/QUASI-PUBLIC TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM URBAN TO AGRICULTURAL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII".

The recommended action is that County Communication No. 15-64 be referred to the Land Use Committee.

NO. 15-65 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated February 11, 2015)

Relating to an application submitted on behalf of Newport Hospital Corporation, transmitting copies of documents and four proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2476 (1996), THE WEST MAUI COMMUNITY PLAN, RELATING TO THE PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) SITUATED AT HONOKOWAI, MAUI, HAWAII";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII, FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER";

3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO WEST MAUI PROJECT DISTRICT 3 (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HONOKOWAI, MAUI, HAWAII FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER"; and
4. "A BILL FOR AN ORDINANCE ESTABLISHING PERMISSABLE LAND USES AND STANDARDS OF DEVELOPMENT FOR WEST MAUI PROJECT DISTRICT 3 (KAANAPALI-NORTH BEACH MAUKA) FOR APPROXIMATELY 14.99 ACRES FOR PROPERTY SITUATED AT HONOKOWAI, LAHAINA, MAUI, HAWAII FOR THE WEST MAUI HOSPITAL AND MEDICAL CENTER AND TO ALLOW THE PLANNING DIRECTOR TO APPROVE JOINT-USE PARKING IN ADDITIONAL CIRCUMSTANCES AND AMENDING THE DEFINITION FOR 'MINOR MEDICAL CENTER'".

The recommended action is that County Communication No. 15-65 be referred to the Land Use Committee.

NO. 15-66 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated January 20, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO GENERAL PROVISIONS AND DEFINITIONS".

The recommended action is that County Communication No. 15-66 be referred to the Planning Committee.

NO. 15-67 - JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 3, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION".

The recommended action is that County Communication No. 15-67 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-68 - RIKI HOKAMA, COUNCILMEMBER,
(dated February 10, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.010, MAUI COUNTY CODE, RELATING TO THE OFFICE OF COUNCIL SERVICES".

The recommended action is that County Communication No. 15-68 be referred to the Policy and Intergovernmental Affairs Committee.

NO. 15-69 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated February 5, 2015)

Transmitting the Department of Water Supply Financial Statements and Supplemental Schedules for the Fiscal Years Ended June 30, 2014 and 2013, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 15-69 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk. Members, are there any objections to the referrals as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, no objections, those will be referred to committee as ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with general communications.

GENERAL COMMUNICATIONS

NO. 15-2 - KERRY WASANO, MAUI HIGH SCHOOL BAND DIRECTOR AND
ANN CUA, MAUI HIGH SCHOOL BAND BOOSTER PRESIDENT,
(dated February 10, 2015)

Expressing appreciation for the Council's support for the Maui High School Band and Color Guard's performance at the 2015 Rose Parade.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN:

CHAIR, AT THIS TIME I REQUEST THAT THAT BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR

CHAIR WHITE: Okay, we have a motion to file by Mr. Guzman, and a second by Mr. Victorino.

Discussion? Mr. Guzman.

COUNCILMEMBER VICTORINO: Mr. Chair, would it be appropriate to have the letter read so that the public hears what they sent us. I know this is public record, but I would like the letter read if that would be all right with you, Mr. Chair.

CHAIR WHITE: Mr. Clerk, do you have the copy of the letter.

COUNCILMEMBER VICTORINO: Sorry.

DEPUTY COUNTY CLERK: The letter is dated February 10, 2015

Dear Chair White and Members of the County Council.

On behalf of the members, parents and staff of the Maui High School Marching Band and Color Guard, I would like to extend our heartfelt gratitude for your support of our efforts to perform in the 2015 Rose Parade in Pasadena, California.

It is hard to believe that more than a year ago we started planning for this journey, not knowing if we would be successful in our fundraising. Through your generosity, and the help of the community, we were successful in realizing our dream of representing the State of Hawaii and the island of Maui in this iconic parade. The students worked very hard in preparation for their nearly six mile performance. What we didn't expect was that we would be marching in 32 degree weather, which is very unusual for sunny Pasadena.

Overall, it was an amazing experience and one that the students will remember for the rest of their lives. The students ventured to Pasadena with a very important responsibility; performing on behalf of the many students, parents, and instructors who have made the Maui High Band and Color Guard what it is today. They took this responsibility very seriously and I am extremely pleased with their efforts.

Words cannot adequately express our appreciation for your continued support of our program. Thank you for believing in us and helping us reach our goal.

Signed by:

*Kerry Wasano, Band Director, Maui High School and
Ann Cua, Band Booster President, Maui High School*

CHAIR WHITE: Thank you very much and thank you for that suggestion, Mr. Victorino.

COUNCILMEMBER VICTORINO: You're welcome, Chair.

CHAIR WHITE: Mr. Guzman, any, any further comments.

VICE-CHAIR GUZMAN: Nothing further, thank you, Chair.

CHAIR WHITE: Members, any discussion, regarding this item.

Seeing none, all those in favor of filing General Communication 15-2, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, HOKAMA, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND VICTORINO.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", and two "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 1 (2015)

A BILL FOR AN ORDINANCE GRANTING HAWAIIAN CEMENT A
CONDITIONAL PERMIT TO OPERATE A CONCRETE BATCHING PLANT
WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, TAX MAP KEY NUMBER
(2) 4-4-002:039 (POR), HONOKOWAI, LAHAINA, MAUI, HAWAII

CHAIR WHITE: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 1 (2015) ON SECOND AND FINAL
READING.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: It's been, we have a motion by Mr. Carroll and a second by Ms. Cochran to pass Bill No. 1 (2015).

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Bill No. 1 (2015) would grant Hawaiian Cement Company a 20 year Conditional Permit for the operation of an existing concrete batching plant at Honokowai. This plant has been in continuous operation at this location since 1987. Hawaiian Cement has installed fencing to control dust and made other efforts to limit adverse environmental impacts. I ask for the Council's support of this bill. Thank you, Chair.

CHAIR WHITE: Thank you. Members, further discussion on this item.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, and just real briefly I think the key word is existing and it has been for a long time now and to no ill-effects to others as my, my husband's surf shop is very nearby and it has not impacted whatsoever any of the, the neighboring businesses. So, with that it's, it's okay to be there and in support of this. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members. Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, VICE-CHAIR
GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH AND HOKAMA.

CHAIR WHITE: Measure passes, seven "ayes", zero "noes", and two "excused".

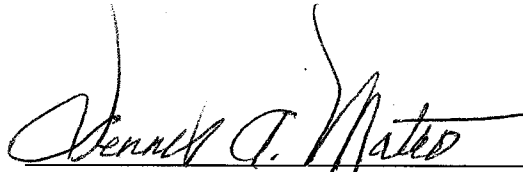
Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. I'd like to thank the staff and thank you all for your patience. Thank Mr. Wong for being with us today. And with that Members we are adjourned.

ADJOURNMENT

The regular meeting of February 18, 2015 was adjourned by the Chair at 4:32 p.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII